



# Knowledgeable Notary

## NEBRASKA SECRETARY OF STATE'S OFFICE

### NOTARY DIVISION

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### MESSAGE FROM JOHN GALE, SECRETARY OF STATE

Greetings to you in this New Year from the Secretary of State's Office! We are making plans for new beginnings in our Notary Division this year by drafting changes to existing Notary laws that have not seen any significant change for 30 years.

The two primary concerns our office feels need to be addressed are: 1) lack of training or qualifications needed to be commissioned as a Notary Public and 2) lack of guidance in the law on procedures a Notary should follow to ensure they are notarizing properly. Here are some of the revisions we propose to make to existing Notary law:

- Eliminate 25 signature requirement on Notary application
- Test required prior to becoming a Notary
- Specifically defines satisfactory proof of identity for purposes of performing notarial acts.
- Raising surety bond amount from \$10,000 to \$25,000
- More clearly outlines procedures and definitions concerning notarization (i.e. signature by mark for those unable to sign by reason of physical incapacity, cannot advertise as "Notario Publico", etc.)
- Provides that Notary commissions may be suspended or revoked by the Secretary of State's office for violations of the act.

We will keep you posted on the legislation at our website: <http://www.sos.state.ne.us>

### INTERNATIONAL ADOPTEES

Everyone at some time in their life will need to apply for a government-issued document for identification purposes. You may be applying for your first Driver's License, traveling overseas & need to get a passport, or applying for a Social Security number.

For those who were born outside our country and were adopted by parents who are citizens of the United States, here is some information that may help make it easier for you to obtain an original birth certificate:

Adoption occurred in Nebraska after 1980: Adoption/birth records were automatically filed in state records at the time of adoption.

Adoption occurred in Nebraska prior to 1980: Adoptive parents were issued a copy of the decree and if they wanted it on file in state records, they had to file the papers themselves.

If you find that no birth certificate is on file with the Nebraska Department of Health & Human Services, Vital Statistics, you will need to contact the INS (Immigration & Naturalization Service). The INS will help you determine what steps need to be taken to be issued the paperwork to file the birth record, to then be able to receive an official state-issued certified copy of the birth certificate. The telephone number for the INS is: (402) 323-7830.

### **BE ALERT FOR INTERNET OFFERS PROMISING 'BIG BUCKS' FOR YOUR NOTARY SERVICES**

We are aware that mortgage companies are advertising on the Internet for Notaries to perform "signing agent" or "mobile notary" services. These same advertisements claim that Notaries may charge fees of \$125.00 to \$175.00 for their Notary Services.

The current Nebraska Notary statute 33-133 states that the allowable fee for taking acknowledgement of deeds or other instruments is \$5.00. In addition, the only other allowable fee under 33-133 that may be added to the \$5.00 fee for taking an acknowledgement is the current mileage fee of 36 cents per mile traveled.

The Nebraska Secretary of State's Office urges Notaries to exercise caution in considering the 'signing agent' or 'mobile Notary' offers. If a bank or mortgage company wants to pay a Notary a fee to perform Notary services, as a 'signing agent' or 'mobile Notary' and want to **pay** more than the statutory rate, that is up to them. However, the fee a Notary may **charge** for their services is set forth in state law as described above. Neither the Notary nor a third party charging Notary fees as part of the services they provide, should exceed the statutory fees in charging for Notary services. Example: An itemized loan closing statement should not list "Notary fees" at \$125.00, unless Notary services provided at the statutory rate, plus mileage at the statutory rate, equal \$125.00.

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Questions or comments about information contained in this publication may be directed to:  
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